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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**
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11 JASON EVAN BROWNE,
12 Petitioner,
13 v.
14 CALVIN JOHNSON, et al.,
15 Respondents.
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Case No. 2:20-cv-02174-KJD-NJK


ORDER

17 Petitioner Jason Evan Browne has sent to this court an application for leave to file second
18 or successive petition under 28 U.S.C. § 2254 or motion under 28 U.S.C. § 2255. ECF No. 1-4.
19 He also has sent a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. ECF No. 1-1
20 through 1-3. The petition indeed is second or successive. Browne challenged the same state-
21 court judgment of conviction in Browne v. McDaniel, Case No. 3:07-cv-00290-RCJ-RAM. This
22 court denied that petition on its merits, and Browne's appeal was unsuccessful. Browne does
23 need authorization from the court of appeals to file a second or successive petition. 28 U.S.C.
24 § 2244(b)(3). The court will refer Browne's application to the court of appeals. See Circuit Rule
25 22-3(a).

26 IT THEREFORE IS ORDERED that the clerk of the court refer this action to the United
27 States Court of Appeals for the Ninth Circuit under Circuit Rule 22-3(a), for a determination on
28 petitioner's application for leave to file second or successive petition (ECF No. 1-4).

1 IT FURTHER IS ORDERED that the clerk of the court administratively close this action.

2 DATED: December 10, 2020



3 KENT J. DAWSON
4 United States District Judge